

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Pedro JIMENEZ-Guadarama,

Defendant

Magistrate Docket No.

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **December 14, 2007**, within the Southern District of California, defendant, **Pedro JIMENEZ-Guadarama**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

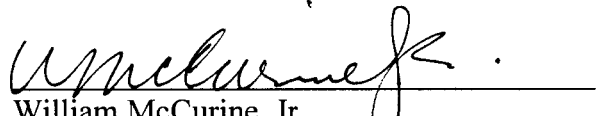
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Terri L. Dimolios
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **17th** DAY OF **DECEMBER** **2007**.



William McCurine, Jr.
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Pedro JIMENEZ-Guadarama****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

On December 14, 2007, at approximately 6:30 P.M., Senior Border Patrol Agent Pesqueira and Border Patrol Agent Diaz were performing line-watch operations near Tecate, California. Agents Pesqueira and Diaz responded to a Seismic Intrusion Device near the Mountain Empire Campground on Highway 94. This area is approximately seven miles east and a half mile north of the Tecate, California Port of Entry.

Upon arriving in the area the Agents observed 11 individuals attempting to conceal themselves in the shrubbery 10 yards north of Highway 94. Agent Diaz identified himself as a United States Border Patrol Agent and questioned the individuals as to their citizenship. The subjects, including one later identified as the defendant Pedro JIMENEZ-Guadarama, freely admitted to being citizens and nationals of Mexico, not in possession of any immigration documents that would allow them to enter or remain in the United States legally. The 11 subjects, including the defendant were arrested and transported to the Tecate Processing Center for further processing and investigation.

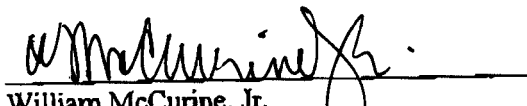
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on August 31, 2007, through Calexico, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on December 16, 2007 at 10:00 A.M.



Raul Castorena
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on December 14, 2007, in violation of Title 8, United States Code, Section 1326.



William McCurine, Jr.
United States Magistrate Judge

12/16/07 1429 hrs
Date/Time